

# **Request to Withdraw: Complaint for Custody, Petition for Contempt, Petition for Modification, Petition for Relocation or Exceptions**

**ONLY THE PERSON WHO FILED THE PETITION MAY ASK TO WITHDRAW THAT PETITION. YOU CANNOT ASK TO WITHDRAW SOMEONE ELSE'S PETITION.**

*A copy of your current Custody Order MUST be attached to your Petition.*

**COMPLETE STEP-BY-STEP INSTRUCTIONS ARE ON PAGE 2.**

**\*\*\*BEFORE YOU GO TO COURT, YOU MUST GIVE 3 BUSINESS DAYS' NOTICE\*\*\***

**#1. The purpose is to let the other person know when you are going to go to Court. They have a right to be there. Give or send them, or their lawyer, the "Notice of Intention to Present" which informs the other party of the date you will be going to Court.**

On the **Notice of Intention to Present** form, if you give the other party the papers on a

1. Monday or Friday, you would write the date for the following Thursday
2. Tuesday or Wednesday, you would write the date for the following Monday
3. Thursday, you would write the date for the following Tuesday

**You do not need an appointment. The Judge will hear everyone who attends that day.** If both parties attend when you present the Complaint, you will get a quicker hearing date.

**#2. You must also give them COPIES of all the documents you are going to give the Judge, except for Notice of Service & Acceptance of Service. Keep the originals to take to Court.**

**Take completed forms to Motions Court, Courtroom #5, Second Floor of the Courthouse, no later than 8:45 a.m. Monday, Tuesday or Thursday. Do NOT be late. Late motions will not be heard. Go into the Courtroom, have a seat and wait your turn.**

**YOU MUST BE AT LEAST 18 YEARS OLD TO FILE ON YOUR OWN**

**If you are not 18 years old you must have your custodial parent(s) or Court Appointed Guardian file for you.**

**THERE IS A DRESS CODE IN THE COURTROOM.**

**ALL CELL PHONES MUST BE COMPLETELY OFF IN THE COURTROOM.**

# SUMMARY OF STEPS

## Before you go to Court:

1. Complete the forms in INK, not pencil. Incomplete forms may be refused.
2. Photocopy all of the paperwork (except the Proof of Service and Acceptance of Service forms) and send or give it to the other party along with the Notice of Intention to Present THREE DAYS BEFORE you present the Petition to the Judge. The date you write on this form is the day you plan to deliver the documents to Court. It must be at least 3 business days away and must be a Monday, Tuesday, Wednesday or Thursday. If both parties attend when you present the Petition, you will get a quicker hearing date.

## In Court:

3. Take completed forms to Motions Court, Courtroom #5, Second Floor of the Courthouse, no later than 8:45 a.m. any Monday, Tuesday and Thursday. Late motions will not be heard. Go into the Courtroom, have a seat and wait your turn.
4. The Judge will sign the petition and assign a hearing date, if needed. You will then receive a clocked copy of the Order and the original will be returned to you.
5. Get your paperwork from the Law Clerk.

## After you leave Court:

6. **FILE** the papers in the Prothonotary's Office (1<sup>st</sup> floor).
  - a. After you have presented your motion to the Judge you must file all of the original documents that you gave to the Judge with the Prothonotary's office.
7. **SERVE** the other party with the Order signed by the Judge. This means you give or mail the other party copies of all the papers that you gave to the judge.
  - a. If you choose to hand deliver the documents, you must have the other Party sign an **Acceptance of Service** form. You **MUST FILE** the Acceptance of Service in the Prothonotary's office after it is signed.
  - b. If you serve the other party by mail you must send the documents by **both Regular mail and Certified mail**. Complete the Proof of Service form by making check marks on the line before both regular and certified mail. **Make a photocopy**. File it with the Prothonotary. After you receive the green card verifying certified mail, staple the green card to the Proof of Service and file it again with the Prothonotary.
8. **FILE** either a Proof of Service or Acceptance of Service Form with the Prothonotary after service has been done. **MAKE AND KEEP A COPY FOR YOURSELF**.
9. Bring a copy of the Proof of Service or Acceptance of Service that you filed in the Prothonotary's office to ALL later hearings, conferences and/or trials.

**Note:** When filling out the forms--parties must be identified as Plaintiff or Defendant as they are listed on the *original* custody Complaint, regardless of who is filing the Petition. The person filing the petition is the *Petitioner*; the other party is the *Respondent*.

**YOU MUST BE AT LEAST 18 YEARS OLD TO FILE ON YOUR OWN**

**If you are not 18 years old you must have your custodial parent(s) or Court Appointed Guardian file for you.**

## **IMPORTANT INFORMATION**

### **1. NOTICE:**

**Send or give the other party the Notice of Intention to Present along with copies of the documents you will be presenting to the judge at least 3 business days written notice BEFORE you go to Court.**

If there is a PFA, you may send the legal paperwork but do NOT include any other letters, notes, etc. If it is a true emergency, you may have a family member or friend call or hand deliver copies of the notice.

If you do not know where the other party lives, you must read PA Rules of Court # 430 & # 1930.4 and Beaver County Local Rule # 430 and follow the required procedures.

### **2. FILING**

- a. After you have presented your motion to the Judge you must file all of the original documents that you gave to the Judge with the Prothonotary's office
- b. You must also return to the Prothonotary's office to file the Proof of Service form after you have served the other party (see below)

### **3. SERVICE**

- a. You must give the other party copies of all documents that you presented to the judge.
- b. You must either serve the other party by mail or by hand delivery
- c. If you serve the other party by mail you must send the documents by both **Regular mail and Certified mail.**
  - i. Complete the Proof of Service form by checking both regular mail and certified mail
  - ii. After you have received the green card verifying certified mail delivery, staple that green card to the Proof of Service form and **AGAIN file with the Prothonotary's office**
- d. If you choose to Hand deliver the Documents you must have the other Party sign an **Acceptance of Service form. You MUST FILE the Acceptance of Service in the Prothonotary's office after it is signed.**

\*\*\*\* Always keep a copy of the Proof of Service documents for your records and ALWAYS bring the Proof of Service forms to all Conciliation Conferences, Pre-Trial Conferences and/or Hearings/Trials in Court.

**IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
PENNSYLVANIA**

_____, Plaintiff,	:	
	:	
vs.	:	No. _____
	:	
	:	
_____, Defendant.	:	

**NOTICE OF INTENTION TO PRESENT**

**TO:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(name & address of the other party)

Please take notice that I intend to present the attached Motion/ Petitions on  
(date)\_\_\_\_\_ at 8:45 a.m., in Courtroom No. 5, Beaver County Courthouse,  
Beaver, PA. If you wish to oppose the requested relief or action, you should appear at that time and  
present your objections to the court.

**Date** \_\_\_\_\_

\_\_\_\_\_  
Petitioner

**CERTIFICATION OF SERVICE**

I hereby certify that I have caused to be served a true and correct copy of the attached on the above  
named defendant at least 3 business days prior to the date of presenting the Motion by way of  
(check all that apply):

_____	regular mail
_____	certified mail
_____	hand delivery

\_\_\_\_\_  
Petitioner

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
P E N N S Y L V A N I A

CIVIL DIVISION

_____	:	No. _____
Plaintiff,	:	Civil Action – Law
	:	
	:	Type of Pleading:
vs.	:	<b>Request to Withdraw</b> _____
	:	_____
	:	(Name of document to be withdrawn)
	:	
_____	:	Filed on behalf of:
Defendant.	:	
		_____
		Name
		Filing Party's Information:(Your Name)
		Name:_____
		Address: _____
		_____
		_____
		Telephone #: _____

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
P E N N S Y L V A N I A  
CIVIL ACTION-LAW

_____	:	
	:	
Plaintiff,	:	
	:	
	:	No. _____
vs.	:	
	:	
	:	
_____	:	
	:	
Defendant.	:	

**REQUEST TO WITHDRAW**

\_\_\_\_\_  
(Name of Document to be withdrawn)

I, \_\_\_\_\_, request to withdraw \_\_\_\_\_ for  
the following reasons :

---

---

---

---

---

---

---

---

---

---

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Plaintiff

**I am over age 18. Yes/No (circle one)**

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
P E N N S Y L V A N I A  
CIVIL ACTION-LAW

_____	:	
	:	
Plaintiff,	:	
	:	
	:	No. _____
vs.	:	
	:	
	:	
_____	:	
	:	
Defendant.	:	

**ORDER TO DISMISS**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon Plaintiff 's motion to  
Withdraw or Discontinue this action, it is hereby ordered and directed that this case be dismissed.

BY THE COURT

\_\_\_\_\_

JUDGE

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
PENNSYLVANIA

_____	:	
Plaintiff,	:	
	:	
vs.	:	No. _____
	:	
_____	:	
Defendant.	:	

PROOF OF SERVICE

I \_\_\_\_\_ (*your name*), hereby certify that I delivered a copy of the  
(*name of document*) \_\_\_\_\_ to

\_\_\_\_\_ (*name of party*) on \_\_\_\_\_ (*date*),

at \_\_\_\_\_ o'clock p.m./a.m. Delivery was made by (check all that apply):

\_\_\_\_\_ regular mail

\_\_\_\_\_ certified mail

\_\_\_\_\_ hand delivery

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PETITIONER



IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
PENNSYLVANIA

_____	:	
Plaintiff,	:	
	:	
vs.	:	No. _____
	:	
	:	
_____	:	
Defendant.	:	

ACCEPTANCE OF SERVICE

I accept service of the \_\_\_\_\_ (*name of document*). I certify that I am authorized to accept service on behalf of defendant.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DEFENDANT OR AUTHORIZED AGENT

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
MAILING ADDRESS

*Note: If defendant accepts service personally, the second sentence should be deleted.*